

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MARKUS LEVAR DAVIS,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-20467

OFFICER J.M. THOMPSON, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Plaintiff's Complaint (ECF No. 1). By Standing Order entered May 7, 2014, and filed in this case on July 7, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation (PF&R). On August 31, 2016, Magistrate Judge Tinsley entered an Order to Show Cause (ECF No. 39), directing the Plaintiff to respond by September 9, 2016 and show cause for his failure to participate in discovery and warning him that a failure to respond would result in dismissal of the action for failure to prosecute. Plaintiff did not respond, and Magistrate Judge Tinsley filed his PF&R (ECF No. 40) on October 20, 2016, recommending that this Court **DISMISS** this action for failure to prosecute.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this

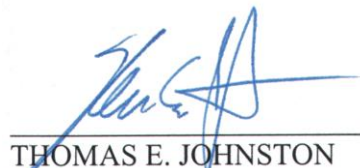
Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on November 7, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R (ECF No. 40) and **DISMISSES** this case from the docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 27, 2017

  
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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE